# ORIGINAL

# Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554

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In the	Matter of		'	JOURET FILE COFT ORIGINA
Table FM B	dment of Section 73.202(b) of Allotments roadcast Stations er and Hermitage, Pennsylvania)	) ) )	MB Docket No RM	RECEIVED
Таг	Office of the Country	,		FEB - 3 2005
To: Attn:	Office of the Secretary Assistant Chief, Audio Division Media Bureau			Federal Communications Commission Office of Secretary

#### **PETITION FOR RULE MAKING**

Cumulus Licensing LLC ("Cumulus"), licensee of WWIZ(FM), Mercer, Pennsylvania, by its counsel, hereby submits this Petition for Rule Making, which proposes to delete Channel 280A at Mercer, Pennsylvania and allot Channel 280A to Hermitage, Pennsylvania as that community's first local service. If this Petition is granted, Cumulus will file an application for Channel 280A at Hermitage and construct the facilities as authorized. No change to the physical facilities of WWIZ(FM) are necessary in order to change the station's community of license. The following table summarizes the changes requested in this Petition:

City	Channel			
-	Existing	Proposed		
Mercer, Pennsylvania	244A, 280A	244A		
Hermitage, Pennsylvania		280A		

#### I. <u>Technical Analysis</u>

1. As demonstrated in the Technical Exhibit, Channel 280A can be allotted to Hermitage at WWIZ(FM)'s current coordinates of 41-12-16 North Latitude, 80-21-49 West Longitude consistent with Section 73.207 of the Commission's Rules with respect to all existing

MB 05-08

and proposed domestic allotments and facilities, with the exception of certain short spaced allotments as explained below. See Figure 1. A 70 dBu signal can be provided to Hermitage from the current reference coordinates. See Figure 2. Because WWIZ(FM)'s facilities will not be relocated, there will be no change in population and area served.

- 2. The engineering statement reveals that at its current location, WWIZ(FM) is short-spaced to two allocations, WRTS(FM) (Channel 279B), Erie, Pennsylvania, and the Canadian allocation on Channel 280C1 at Woodstock, Ontario. See Figure 1. The short spacing to WRTS(FM) was created prior to October 1, 1989 and the stations have remained continuously short spaced since then. Accordingly, this short spacing is governed by Section 73.213(c) of the Commission's Rules. The Commission has held that a station with pre-1989 short spacing under Section 73.213(c) may change its community of license so long as no additional short-spacing is created, no existing short-spacing is exacerbated, and the potential for interference between currently short spaced stations is not increased. See Fremont and Holton, Michigan, 14 FCC Rcd 17108, ¶5 (1999); Newnan and Peachtree City, Georgia, 7 FCC Rcd 6307, ¶5 (1992). These conditions are met here since there will be no change in WWIZ(FM)'s facilities. Therefore, the allotment of Channel 280A from Mercer to Hermitage is consistent with the requirements of Section 73.213(c).
- 3. In addition, because there will be no change to the technical facilities of WWIZ(FM), the short spacing to the Canadian allocation on Channel 280C1 at Woodstock, Ontario remains consistent with the Agreement Between the Government of Canada and the Government of the United States Relating to the FM Broadcasting Service, as amended.

#### II. Change in Community of License

- 4. Cumulus desires to change the community of license of WWIZ (FM) from Mercer to Hermitage under the guidelines set forth in Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recons. granted in part, 5 FCC Rcd 7094 (1990). There, the Commission stated that a station may change its community of license without subjecting the license to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, because the facilities are identical, the proposed use of Channel 280A at Hermitage is mutually exclusive with the current use of Channel 280A at Mercer. Second, Mercer will not be deprived of its only local service because it will continue to be served by Station WLLF(FM). Third, the provision of a first local service to Hermitage (2000 U.S. Census population 16,157) under Priority 3 will result in a preferential arrangement of allotments over the retention of a second local service at Mercer (2000 U.S. Census population 2,391) under Priority 4. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).
- 5. Hermitage is located in the Youngstown, Ohio Urbanized Area. Therefore, this relocation implicates the Commission's policy regarding the migration of stations into urban areas. Faye and Richard Tuck, 3 FCC Rcd 5374 (1988). In making the determination whether to award an urbanized community a first local service preference, the Commission will consider the extent to which the station will provide service to the entire Urbanized Area, the relative populations and proximity of the suburban and central city, and, most importantly, the

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independence of the suburban community. *Tuck*, 3 FCC Rcd at 5377-78. In this case, the WWIZ(FM) 70 dBu contour currently encompasses 10% of the Youngstown Urbanized Area and will continue to do so following the community of license change. Hermitage's population (2000 U.S. Census population 16,157) is 20% of that of Youngstown (2000 U.S. Census population 82,026), and Hermitage is located 22 kilometers from Youngstown. These figures exceed those of other suburban communities granted a first local preference. *See Old Fort, Fletcher, and Asheville, North Carolina; Surgoinsville, Tennessee, and Augusta, Georgia*, 18 FCC Rcd 12181 (2003) (Fletcher's population is 6.7% of that of Asheville, and Fletcher is located 17 kilometers from Asheville); *Malvern and Bryant, Arkansas*, 14 FCC Rcd 3576 (1999) (Bryant's population is 3% of that of Little Rock, and Bryant is located 20 miles from Little Rock). Nevertheless, the Commission has repeatedly stated that these factors are less important than evidence of independence. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352, 10355 (1995). The following analysis of the eight *Tuck* factors demonstrates the independence of Hermitage from Youngstown.

- According to 2000 Census figures, 2,518 of the 7,031 employed individuals in Hermitage, or 36%, work at their place of residence. See Exhibit 2. This percentage exceeds that of other independent communities. See, e.g., Albemarle and Indian Trail, North Carolina, 16 FCC Rcd 13876 (2001) (11.3% of working-age residents worked in community); Coolidge and Gilbert, Arizona, 11 FCC Rcd 3610 (1996) (13% of Gilbert's working population actually worked in Gilbert).
- (2) Newspapers and other media that cover Hermitage's needs and interests.

  The Herald, published daily, is a county paper that serves Hermitage. It contains sections

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on local government, local schools, local businesses, local recreation, local entertainment, and local sports. The *Herald* also contains obituaries, classifieds, and editorials. The *Herald* is available in Hermitage at 12 vending machines and at 15 newspaper dealers. In addition to the *Herald*, the community of Hermitage receives local news from the *City of Hermitage Newsletter*, which is published quarterly. *See* Exhibit 2.

- (3) Community leaders and residents perceive Hermitage as being separate from Youngstown. The City of Hermitage was settled in 1796 and incorporated in 1833. The original name of the City was Hickory, but in 1975 the residents of Hickory voted to change the name of the City to Hermitage. More information on the history of Hermitage is available at the Hermitage Historical Society. The City of Hermitage website, <www.hermitage.net>, states that Hermitage is a growing, vibrant home rule charter city with an excellent school system, a well-run home rule charter city government, modern facilities, efficient, effective public service, plentiful recreation and leisure opportunities, and excellent emergency services. The motto of Hermitage is, "Hermitage has it." See Exhibit 2.
- of Hermitage is governed by a five member Board of Commissioners, who are each elected to either two or four-year terms. The Board of Commissioners meets on the fourth Wednesday of each month. In addition to these elected officials, the City of Hermitage has the following departments: Administration and Finance, Building and Inspection, Code Enforcement and Health, Community and Economic Development, Fire, Parks and Recreation, Planning and Development, Police, Street, Treasurer, Wage Tax, Water Pollution Control, and Zoning. The City of Hermitage also has Authorities,

Boards, and Commissions including the Board of Appeals, Board of Health, Civil Service Commission, Economic Development Commission, and Human Relations Commission.

See Exhibit 2.

- (5) Hermitage has its own zip code. The zip code assigned to Hermitage is 16148 and the U.S. Postal Service operates four offices in Hermitage. Yellowbook USA publishes the Lawrence & Mercer County phone book which combines yellow and white page directories for the community of Hermitage. See Exhibit 2.
- **(6)** Hermitage has its own commercial establishments and health facilities. Hermitage is home to LindenPointe, which is a 115 acre business park located in LindenPointe is a collaborative effort between the Commonwealth of Hermitage. Pennsylvania, the City of Hermitage, and the Penn Northwest Development Corporation to create a new vitality for economic development in the region. In addition to LindenPointe, Hermitage is home to a number of commercial establishment. A number of local businesses identify with the community by using "Hermitage" in their name, including Agway Hermitage, Carquest of Hermitage, Hermitage Bakery, Hermitage Best Florist, Hermitage Bible & Gift, Hermitage EZ Storage, Hermitage Electric, Hermitage Family Medical Center, Hermitage Heating & Cooling, and Hermitage Hotdog Hut. Banks in Hermitage include Citizens Bank, First National Bank, Greenville Savings Bank, and National City Bank. Restaurants in Hermitage include Arby's, Bryster's Old Fashion, Combine Brothers, and Chiccarino's. See Exhibit 2.

Health care is provided to the community of Hermitage by a number of group and sole practitioners. Hermitage is also home to a number of religious and community organizations, including the Hermitage Little League, Hermitage Lodge, Calvary Baptist

Church, Hickory United Methodist, First Church of God, New Fellow Baptist Church, Holy Cross Orthodox, and Notre Dame Church. See Exhibit 2.

- (7) Hermitage is a separate and distinct advertising market from Youngstown. The Herald provides the businesses of Hermitage with a place to advertise to the residents of Hermitage without relying on the Youngstown advertising market. See Exhibit 2.
- (8) Hermitage has its own schools, police department, and fire department. The Hermitage School District administers the public schools in Hermitage, which include Hickory High School, Hermitage Middle School, Delahunty Middle School, Hermitage Elementary School, and Artman Elementary School. Hermitage also has its own police and fire departments. The Hermitage Police Department is headed by the Chief of Police and consists of 28 full time officers. The Hermitage Fire Department is headed by the Fire Marshal and consists of over 40 volunteer fire fighters. See Exhibit 2.

#### III. Conclusion

For the foregoing reasons the Commission should delete Channel 280A at Mercer, Pennsylvania and allot Channel 280A to Hermitage, Pennsylvania as that community's first local service. Cumulus reiterates that if this Petition is granted, Cumulus will file an application for Channel 280A at Hermitage and construct the facilities as authorized. Accordingly, the Commission should promptly issue a Notice of Proposed Rule Making as described herein.

Respectfully submitted,

CUMULUS LICENSING LLC

By:

Mark N. Lipp
Scott Woodworth
Vinson & Elkins L.L.P.
1455 Pennsylvania Ave, NW
Suite 600

Washington, DC 20004-1008

(202) 639-6500

Its Counsel

February 3, 2005



# ENGINEERING STATEMENT IN SUPPORT OF A PETITION FOR RULE MAKING

#### CHANNEL 280A, HERMITAGE, PENNSYLVANIA

**Cumulus Licensing LLC** 

Prepared by:

Reynolds Technical Associates 12585 Old Highway 280 East, Suite 102 Chelsea, Alabama 35043 (205) 618-2020

February, 2005

#### **Engineering Statement**

#### In Support of a

#### **Petition For Rule Making**

#### WWIZ(FM), Channel 280A, Hermitage, Pennsylvania

#### General

We have been retained by Cumulus Licensing LLC ("Cumulus"), licensee of WWIZ(FM), to prepare a petition for rule making that would delete channel 280A at Mercer, Pennsylvania and allocate channel 280A at Hermitage, Pennsylvania as that community's first local service. The allocation coordinates used for this rule making are the same as WWIZ's current licensed site. No other spectrum changes are necessary. The changes to the Table of Allotments are as follows:

City	<u>Current</u>	<b>Proposed</b>		
Mercer, PA	244A, 280A	244A		
Hermitage, PA		280A		

#### **Exhibits Explained**

Exhibit E, Figure 1 is an allocation study showing that channel 280A can be allocated to Hermitage, Pennsylvania with no further spectrum changes. The short spacing to the Canadian allocation at Woodstock, Ontario is allowable under international treaty. The short spacing relationship between WWIZ and WRTS in Erie, Pennsylvania is allowable under §73.213. Hence, the current WWIZ tower site is allowable as allocation coordinates for channel 280A at Hermitage.

Exhibit E, Figure 2 shows that a class A 70 dBu contour covers 100% of the community of Hermitage, Pennsylvania.

#### Conclusion

As a result of this petition, Hermitage (population 16,157 according to the 2000 US Census) will receive its first local service as a result of this rule making. Mercer, Pennsylvania (population 2,391) will continue to receive service from WLLF, channel 244A.

**Statement of the Consultants** 

The instant engineering statement was prepared for Cumulus Licensing LLC

("Cumulus") and supports a petition for rule making. It was developed by Reynolds

Technical Associates ("RTA") and may not be used for purposes other than submission

to the Commission by RTA.

It may not be reproduced in its entirety, or in part, by anyone (other than from the

Commission) without the written consent of RTA.

It is prepared for Cumulus under contractual agreement, and its certification by RTA is

used accordingly. If Cumulus fails in its contractual obligation, RTA reserves the right to

withdraw its certification.

The information in this application is compiled from the most recent Commission and

outside data. RTA is not responsible for errors resulting from incorrect data or

unpublished rule and procedure changes.

For RTA:

Lee S. Reynolds

February 3<sup>rd</sup>, 2005

12585 Old Highway 280 East, Suite 102

Chelsea, Alabama 35043

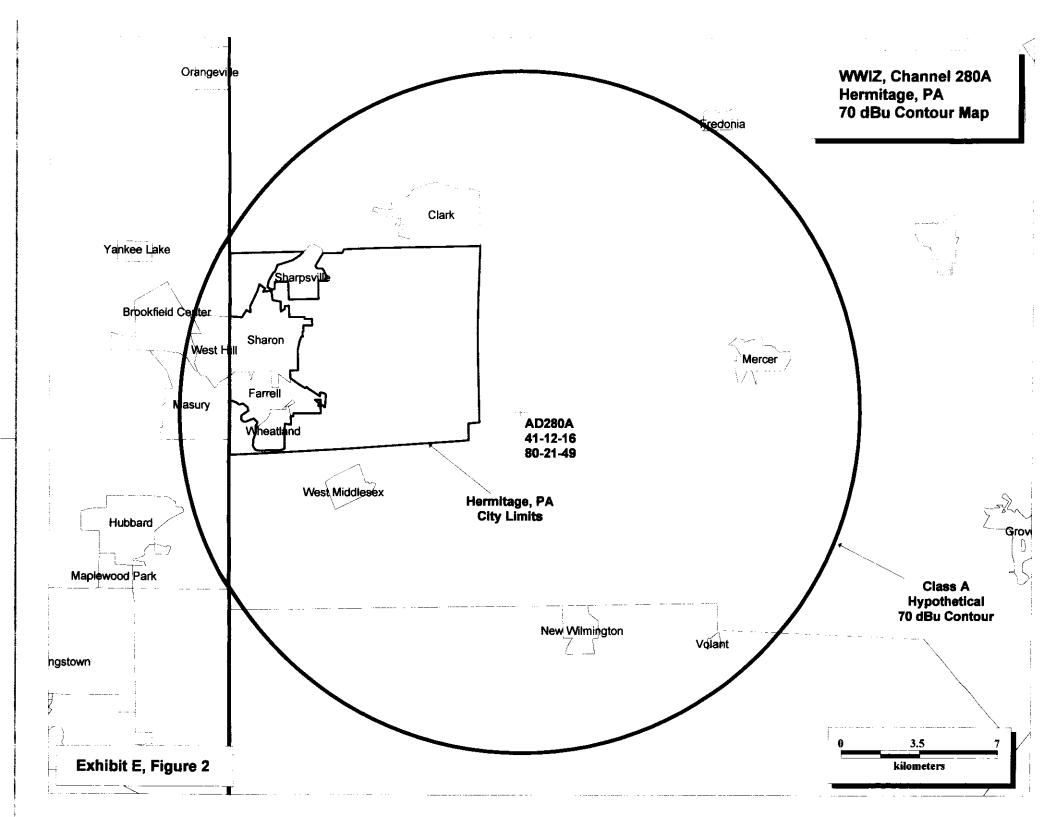
(205) 618-2020

# Engineering Statement In Support of a Petition For Rule Making

## WWIZ(FM), Channel 280A, Hermitage, Pennsylvania

#### Channel 280A at Hermitage Allocation Study

REFEREN 41 12 1 80 21 4	6 N 9 W		CLASS Current Channel 280	Spa	cings		SEARCH (	01-04-05 01-10-05
Call	Cha	nnel			Dist	Azi	FCC	Margin
	Commu Ref Nor	<b>nity of</b> erence th Lati	Hermitage coordinates: tude: 41-13-57 tude: 80-27-38					
	CP LIC no cond rdinate	280A		PA PA	0.00 0.48	0.0 112.8		
R R ALLO Of	DEL	280C1 280C1	Woodstock Woodstock Woodstock		213.42 213.64 213.64	351.3	243.0 243.0 243.0	-29.36
			ccordance with inte	rnat	ional agr	eements		
WRTS	ric	279B	Erie	Aq	104.42	19.4	113.0	-8.58
	no con stati		hort spaced under §	73.2	13.			
WOGF RDEL WOGF.C	LIC-N DEL CP -Z	282B		OH OH	68.71 68.71	184.0	69.0 69.0	-0.29 -0.29
WQAL.C WQAL.C RADD	ADD	282B	Cleveland Cleveland Moon Township	OH OH PA	115.26 116.32 76.60	182.9	113.0 113.0 69.0 15.0	7.60
WNCD WLMI WXXO WOGH.C	LIC-N	227B 280A 283A 278B	Youngstown Kane Cambridge Springs Burgettstown Burgettstown	PΑ		68.1	115.0	24.22
WLSW WCRFFM	LIC LIC		Scottdale	PA OH	150.35 108.93	151.4 275.8	69.0 115.0 69.0 72.0	35.35







**FACT SHEET** 

#### Hermitage city, Pennsylvania

Census 2000 Demographic Profile Highlights:

General Characteristics - show more >>	Marahan	Davaget	11.0		
Total population	<b>Number</b> 16,157	Percent 100.0	<b>U.S.</b> 100%	man	brief
Male	7,560	46.8	49.1%	map	brief
Female	8,597	53.2	50.9%	map	brief
Median age (years)	44.1	(X)	35.3	map map	brief
Under 5 years	787	4.9	6.8%	map	Dilei
18 years and over	12,659	78.3	74.3%	map	
65 years and over	3,808	23.6	12.4%	map	brief
One race				шар	Dilei
White	16,019	99.1	97.6%		ال الما
Black or African American	15,344 500	95.0	75.1%	map	brief
American Indian and Alaska Native	500 7	3.1 0.0	12.3% 0.9%	map	brief brief
Asian	130	0.0	3.6%	map map	brief
Native Hawaiian and Other Pacific Islander	130	0.0	0.1%	map	brief
Some other race	37	0.0	5.5%	map	DITE
Two or more races	138	0.9	2.4%	map	brief
Hispanic or Latino (of any race)	107			-	
		0.7	12.5%	map	brief
Average household size	2.32	(X)	2.59	map	brief
Average family size	2.87	(X)	3.14	map	
Total housing units	7,104	100.0	100.0%	map	
Occupied housing units	6,809	95.8	91.0%		brief
Owner-occupied housing units	5,092	74.8	66.2%	map	
Renter-occupied housing units	1,717	25.2	33.8%	map	brief
Vacant housing units	295	4.2	9.0%	map	
Social Characteristics - show more >>	Number	Percent	U.S.		
Population 25 years and over	11,774	100.0	0.0.		
High school graduate or higher	10,226	86.9	80.4%	map	brief
Bachelor's degree or higher	2,988	25.4	24.4%	map	
Civilian veterans (civilian population 18 years and	ŕ	16.2	10.79/	•	brias
over)	2,034		12.7%	map	brief
Disability status (population 21 to 64 years)	1,269	15.2	19.2%	map	brief
Foreign born	634	3.9	11.1%	map	brief
Now married (population 15 years and over)	7,997	60.3	54.4%		brief
Speak a language other than English at home (5	981	6.4	17.9%	map	brief
years and over)		• • • • • • • • • • • • • • • • • • • •	******		
Economic Characteristics - show more >>	Number	Percent	U.S.		
In labor force (population 16 years and over)	7,494	57.4	63.9%		brief
Mean travel time to work in minutes (population 16					
years and over)	18.3	(X)	25.5	map	brief
Median household income (dollars)	39,454	(X)	41,994	map	
Median family income (dollars)	46,994	(X)	50,046	map	
Per capita income (dollars)	23,227	(X)	21,587	map	
Families below poverty level	291	6. <b>3</b>	9.2%	map	brief
Individuals below poverty level	1,299	8.2	12.4%	map	
•	·			•	
Housing Characteristics - show more >>	Number	Percent	U.S.		
Single-family owner-occupied homes	4,514	100.0			brief
Median value (dollars)	97,500	(X)	119,600	map	brief
Median of selected monthly owner costs	(X)	(X)	4 000		brief
With a mortgage	970	(X)	1,088	map	
Not mortgaged	314	(X)	295		
(M) Maria III III					

(X) Not applicable. Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)  $\,$ 



#### P27. PLACE OF WORK FOR WORKERS 16 YEARS AND OVER--PLACE LEVEL [5] - Universe:

Workers 16 years and over

Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data

NOTE: Data based on a sample except in P3, P4, H3, and H4. For information on confidentiality protection, sampling error, nonsampling error, and definitions see <a href="http://factfinder.census.gov/home/en/datanotes/expsf3.htm">http://factfinder.census.gov/home/en/datanotes/expsf3.htm</a>.

	Hermitage city, Pennsylvania
Total:	7,031
Living in a place:	7,031
Worked in place of residence	2,518
Worked outside place of residence	4,513
Not living in a place	0

U.S. Census Bureau Census 2000

#### Standard Error/Variance documentation for this dataset:

Accuracy of the Data: Census 2000 Summary File 3 (SF 3) - Sample Data (PDF 141.5KB)

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# The Herald Founded April 14, 1864

52 S. Dock St.

52 S. DOCK St. Box 51 Sharon, Pa. 16146

(724) 981-6100 (800) 981-1692



#### About us

The Herald is the leading daily newspaper in the Mercer County, Pa., area. We cover the Mercer County and the Shenango Valley as well as adjacent towns in the New Wilmington/Volant area of Lawrence County, Pa., and Brookfield/Masury area of Trumbull County, Ohio. (MAP AND LIST OF TOWNS WE COVER)

Mercer County is on the western border of Pennsylvania and includes the crossroads of Interstates 80 and 79. We are about 75 miles each south of Erie, Pa., north of Pittsburgh, Pa., and southeast of Cleveland, Ohio. We are a day's drive west of Philadelphia and New York City and a long day's drive southeast of Chicago.

# The Herald Sharon, Pa.

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#### **VENDING MACHINES**

#### **BROOKFIELD**

C's Waffle House

#### FARRELL

Gargano Apartment UPMC Horizon Zion Daily Bread

#### **GREENVILLE**

Greenville Diner Perkins UPMC Horizon Walmart

#### **GROVE CITY**

Born 2 Run
Eat-N-Park
Grove City Diner
Holiday Inn Express
King's Restaurant
Leisure Time
Outlet Mall
Perkins
Wal-mart

#### HERMITAGE

Bob Evans
Burger King
Cookery
Denny's
Eat'N Park
Hermitage Post Office
Hickory VFW
Holiday Inn
Kaufmann's
Perkins
Scoccia Suburban Rest.
State Store

#### **HUBBARD**

Flying J

#### **MASURY**

Orange Village

#### MERCER

**Burger King** 

#### PULASKI

Coxes

#### SHARON

Connelly Manor
Phoenix
Quaker Steak & Lube
Reyer's
Riverview Manor
Sharon Post Office
Sharon Regional Hospital
State Store
Tastee Bakery
The Herald
Wave

#### **TRANSFER**

Brass Lantern

#### **WEST MIDDLESEX**

Comfort Inn
Radisson
Sunoco
Super 8
Middlesex Diner



Wai-mart T.J. Maxx

#### **NEWS DEALERS**

#### **BROOKFIELD**

Giant Eagle Mr. D's Quick Stop Village Party Center

#### BURGHILL

Country Convenience

#### **CLARKS MILLS**

Camp Perry

#### **FARRELL**

B and M Market
Boulevard Dairy
City Line Market
Dimoff's Corner Dairy
Farrell Golden Dawn
1st Stop
Johns Farrell Food
McQuaids
Rite Aid Pharmacy
Standard Market Inc.

#### **FREDONIA**

Fredonia Corner Market

#### **GREENVILLE**

Country Fair
Giant Eagle
Gilliland's Perry Farm
Market
Klingensmiths Mini Market
Last Minit Mart
Rite Aid Drug
Rout 58 Plaza
Sheetz
The News Depot
UPMC Horizon
Veado's Mini Mart

#### **GROVE CITY**

BiLo Supermarket B.P. Express Coffee Grove County Market Country Fair

#### HERMITAGE

A and Z Newsstand
Country Fair
Dairy Mart
Donofrio's
Eckerd Drugs
GetGo
Giant Eagle
KMart
Medicine Shoppe
Panera Bread
Sheetz
Shop 'n Save
Shop 'n Save
The Book Source
Tic-Toc

#### HUBBARD

Hubbard Gas & Mini Mart
K-1
Nadias Mini Mart
One Stop Superette
Patton's Market
Shell True North
T.W. News

#### **JACKSON CENTER**

Jiffy Mini Mart

#### **JAMESTOWN**

Jamestown Pharmacy Last Minit Mart Richter's Grocery Shawkeys Golden Dawn Steadman's Isaly

#### **MASURY**

Brookfield Drive-In
Dairy Mart
Dionetics Inc.
Masury Market
Penn-Ohio Citgo Inc
Penn-Ohio Medicine
Southside Cafe & Deli
Standard Market
Stateline Supermarket

#### **ORANGEVILLE**

Wilson's Milk Depot

#### SANDY LAKE

Krystyak's Pennzoil McKean Sure Fine Medicine Shoppe

#### SHARON

Bill's Ave Lottery Central Perk Lottery City Food Mart Country Fair Fast Check Food Mart George Street Market Korner News Stand Medicine Shoppe Mike's Corner Market Penn State Book Store Rite Aid Drug Ron's Market Sharon News Agency Sheetz Standard The Herald

#### **SHARPSVILLE**

Country Fair
Eckerd Drugs
Lock, Stock and Barrell
McQuaids
Petro Plus
Sharpsville Food Mart

#### SHEAKLEYVILLE

Hastee's

#### **SLIPPERY ROCK**

Giant Eagle

#### STONEBORO

Anchors Away Dye's Service Rick's Mini Mart

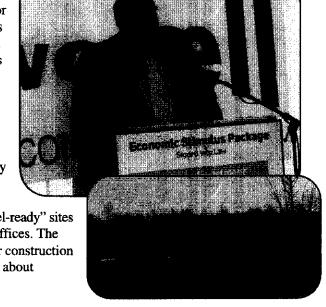
#### **TRANSFER**

Reynolds Drug Store

# **Governor Ed Rendell Visits Lindenpointe**

Governor Ed Rendell addresses a gathering of community and business leaders at Lindenpointe Innovative Business Campus, Hermitage, PA on April 20, 2004. The Governor announced that Novocell Semiconductor will expand its operation at a site in Lindenpointe, creating 35 jobs and retaining five jobs. Novocell provides memory products to the semiconductor industry which increase the speed and efficiency of the chip design process, giving semiconductor designers the ability to develop cutting edge components.

Governor Rendell's bus rounds a bend on Innovation Way at Lindenpointe. The Business Park was developed as a joint effort between the City of Hermitage and KAKE, Inc., Hermitage development company, to provide "shovel-ready" sites for technology businesses, corporate and professional offices. The Commonwealth of Pennsylvania contributed funding for construction of streets, utilities and site amenities. More information about Lindenpointe can be found at www.lindenpointe.com.

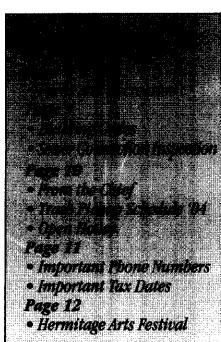


# **Hermitage Arts Festival, July 24-25**

The City of Hermitage, The Arc of Mercer County Foundation and the sponsorship of the Shenango Valley Performing Arts Council, Rotary, HBA, and Marks Music will present an arts and music festival to showcase the

many talents within the community. This festival is a means to celebrate and unify the area's wonderfully diverse community groups. The focus is to offer artists and performers – adults as well as children, professional as well as student – a venue to publicly display their talents side by side. The grounds of Olympic Park, The Arc, and the Children's Center provide a beautiful and safe environment for the festivities.

This festival will benefit our community in a number of ways. The community supports a variety of disparate organizations and services for its residents. The arts serve as a means to bring together groups of people whose lifestyles, interests, and purposes differ. Arts and entertainment unite people and provide a way to develop an understanding and appreciation of each other. In addition to unifying the community, this festival serves as an outreach to build pride and morale. The location provides a way for people to learn more about The Arc, MCAR, the Children's Center, and the facilities that support our special needs populations. Finally, the festival also offers a valuable and much needed opportunity to attract others to our area to support our local economy.



# **Building Code**

On April 9, Uniform Construction Code (UCC) Regulations officially took effect throughout the entire State of Pennsylvania. The City of Hermitage, and all other communities in the state, are now in an official election period (April 9 - July 8) during which time each community must decide to "opt in" or "opt out" of UCC administration.

Opting in means that the local municipality will administer building plan review, issuance of building permits and construction inspections locally. Opting out means that the State will administer the UCC within that municipality.

At this time, the City of Hermitage does not have a comprehensive building construction code, although we do have local ordinances governing certain aspects of building construction such as plumbing. Other communities in Pennsylvania have a wide range of construction regulations, from no requirements to complete - but varying - construction codes. This disparity among different communities will be eliminated by the UCC.

The Hermitage Board of Commissioners have determined that the residents and developers of our City will be best served by local administration of the UCC, and are expected to opt in during the election period. An ordinance adopting the UCC in Hermitage was introduced on April 28, with a Public Hearing on May 26 and a Final Vote on June 23. The ordinance will take effect on July 5, 2004. All building permits issued prior to July 5 will be reviewed under our current zoning and construction requirements. All building permits issued after

July 5 must comply with the requirements of the UCC.

The City will also adopt a new building permit fee schedule on June 23. The fee schedule is currently being developed with the express goal of keeping permit fees affordable while covering most of the additional costs of implementing these new requirements. As always, the city administration will strive to provide the highest quality of service in the most efficient and cost-effective manner possible.

City Inspectors have been obtaining training and certification in various aspects of UCC regulations over the past year, and we plan to handle most residential construction permits and inspections with our current personnel. The City expects to contract with an independent agency or agencies to review plans and provide inspections for commercial project under our jurisdiction.

The new construction code includes requirements for building foundations and structural components; heating, mechanical and electrical systems; plumbing; energy conservation and accessibility. The purpose of the code is to ensure public and personal safety and quality building construction throughout the Commonwealth. The code will apply to all new buildings (with a few exceptions for accessory storage buildings), building additions, and many exterior and interior alterations which previously did not require building permits.

More information can be obtained by contacting the Building Department at the Hermitage City Building at 724-981-0800.

# **Sewer Connection Inspections Required**

One of the requirements of the City's Corrective Action Plan under the 2003 Consent Order & Agreement with the Pennsylvania Department is for Hermitage to require the inspection of sanitary sewer connections to the municipal system when property is sold, conveyed or transferred. Effective June 1, 2004 the City will require a Certificate of Compliance prior to the sale, conveyance, assignment, or transfer of any real property on which a building is connected to the public sanitary sewer system. The Certificate will certify compliance with all laws, ordinances, rules and regulations relative to the tapping into, discharging into, or connection with, the public sanitary system. The fee for the application and inspection required to obtain a Certificate of Compliance is \$125.00 per connection for the initial inspection, and \$100.00 for each re-inspection that may be required. On or after June 1, 2004, the following procedure will be in place:

(1) Prior to the sale, conveyance, assignment, or transfer of any real property on which a building in connected to the public sanitary sewer system, the owner will complete and submit an application with a check, money order, or cashier's check payable to the Hermitage Sewer Fund to the Finance Department at the Hermitage Municipal Building, 800 North Hermitage Road, Hermitage, PA 16148.

(2) Upon receipt of the application, the City will inspect the property within ten days. The inspection may require smoke or dye testing. If the property is in compliance a Certificate of Compliance will be issued within twenty-four hours.

(3) If a property is determined to not be in compliance, the City will set forth in writing, each violation and the required remedial action, and promptly forward a copy of the findings to all parties in interest. When notified that the remedial action has been completed, the City shall re-inspect the property. If the property is in compliance, a Certificate of Compliance shall be issued upon the City's receipt of a check, money order, or cashier's check in the amount of \$100.00 for the re-inspection. No Certificate of Compliance shall be issued until all remedial actions have been satisfactorily completed.

There is also a procedure whereby a person can appeal a decision of the City regarding compliance and there are penalties for failure to obtain a Certificate of Compliance when required. Questions regarding forms, procedures, and inspections can be directed to Mr. Thomas Darby, Water Pollution Control Superintendent, 2133 Broadway Road, Hermitage, PA 16148, 724-347-4941 or by e-mail at tdarby@hermitage.net

#### From the Chief Ny Chill of Police M. Se



The Hermitage Police Department has recently received several pieces of equipment that will aid us in investigations and service to the community.

The Hermitage Police Department obtained and is pleased to be working with the National Center for Missing & Exploited Children (NCMEC) to implement LOCATER. United States Congressional funds allow NCMEC to provide the LOCATER free-of-charge to law enforcement agencies that investigate missing child cases. NCMEC has found when parties of uniting children or nerve security evaluates of the utility or the children are recovered at the con-

Use of the LOCATER system, comprised of a Dell Peacam IV compute. HP Desides 940C primer, ingli resolution scanner, and customized software, is not limited to thissing children cases. It includes templates for more than 100 different types of posters such as missing adults, wanted persons, and crime alerts. The system is also compatible with the AMBER Alert

When crime video exists, it is often of such poor quality that it is of little use for law enforcement. The causes of this problem are all too familiar. The camcorder cannot capture enough detail due to poor lighting. camera vibration, subject motion, or other deficiencies common when taping video under uncontrolled conditions.

Video Detective, from Pyramid Vision Technologies is a complete video stabilization, digitization and enhancement system designed to aid law enforcement in viewing, enhancing, and distributing video images. This system with components was provided through a grant from the Technology Transfer Program, Counterdrug Technology Assessment Center of the Department of the Army and Federal Drug

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Video "Krimesite" Seepe and Components was obtained through a grant provided by the Federal government and administered by the Ps. Chiefs of Police Association. This crime scene processing equipment consists of an electronic scope that utilizes the 245 nm light frequency to detect latent fingerprints on most non-porous surfaces. It can be used to locate latent lingerprints either in daylight conditions or in total darkness.

A digital video or still camera can be attached to the scope to record the fingerprints. Cost of the Krimesite kit is \$19,000.00. Cost to the city was \$3,500.

#### 

The police department recently purchased a SMART-LP speed monitoring awareness radar trailer. We were able to save several thousand, by purchasing a demo. The department used a losner for the past year and the response from the community was very positive. If your having a problem with speeders in your neighborhood call the police department at 724-983-6780 and we'll make arrangements to get the speed trailer set up on your street.

#### Open House

The Patagonia Volunteer Fire Department will be conducting an open house and membership drive on Saturday, June 26th from 9am till 6pm. This event is open to all Hermitage, Patagonia residents and will include vehicle rescue demonstrations at 10am and 2pm along with hourly tours through the fire safety house for children. There will be displays of equipment and information on becoming a member of the fire department for those who are

interested. Free hotdogs and refreshments will be available from 11am till 3pm and giveaways will be passed out throughout the day. (Rain date will be July 3rd.)

hursday

The bulk track pick up is for refuse and subbish that is not normally buggest. All garbage placed in bags must be in '18-County track bugs or they will not be packed up. All funds, wood and other similar managests must be busished or in boxes. Bulk track will be collected on Saturdays for additional automation, call '18-County institution in '794-662-2510, cm. 1 or '794-748-4703, cm. 1.

All leaves must be in place to the (any year) and alone with your property of the place of the p

# **BOARD OF COMMISSIONERS**

William E. Scanlon, President • Sylvia A. Stull, Vice President James Pat White • Joseph A. Augustine • Larry Gurrera Gary P. Hinkson, City Manager Thomas W. Kuster, City Solicitor Joanne S. Moore, City Treasurer

# PARKS AND RECREATION BOARD

Jake Brest • James DeCapua • Matt DeJulia • Barb Dzuricsko Debi Englebaugh • Joanne Giardina • William E. Scanlon Director - Ed Chess

# CITY OF HERMITAGE DEPARTMENT PHONE NUMBERS

#### **EMERGENCY 9-1-1**

City Administration	981-0800	Police Dept. Administration	983-6780
Community Development	983-0900	Street Department	342-0210
Finance Department	981-0800	Treasurer's Office	347-4472
Fire Dept. Administration	342-0669	Water Pollution Control Plant	347-4941
Parks and Recreation	981-0800	Wage Tax Office	981-8132
Planning and Development	981-0800	Zoning and Inspection	981-0800

## Carrier and the contract of th

All Hermitage residents, upon pasor of residency, can get a free library card at the Shenango Yalley Community Library Over 40% of the registered beingswerfact the Library are Hermitage residents. Thermitage commission 5000 annually to 200 library.

# IMPORTANT TAX DATES TO REMEMBER